

United States Government

Department of Energy

memorandum

DATE: August 7, 1992

REPLY TO
ATTN OF: EH-25

SUBJECT: Appendix A Categorical Exclusions

TO: NEPA Compliance Officers (NCOs)

This is to reaffirm our policy on procedures for application of the categorical exclusions listed in Appendix A to Subpart D of DOE's NEPA regulations (57 FR 15122, April 24, 1992; to be codified at 10 CFR 1021). As you recall, the April 2, 1992, EH-1 memorandum to Secretarial Officers and Field Office Managers stated that application of Appendix A categorical exclusions need not be documented. At the May 1992 NCO meeting we indicated that we would not audit program or field offices for records of Appendix A categorical exclusions. We did indicate, however, that we might audit for established office procedures for application of those categorical exclusions.

We expect offices to establish procedures whereby Secretarial Officers, or Field Office Managers with delegated authority for Subpart D determinations, periodically (e.g., annually) review potential activities under their jurisdictions that would fit within the typical classes of action in Appendix A to ensure compliance with 10 CFR 1021.410(b). From the Secretarial Officer's or Field Office Manager's general working knowledge of program or field office activities, and with the NCO's advice, he or she should be able to judge whether any future Appendix A actions would present extraordinary circumstances that may affect the significance of environmental effects of the proposals (10 CFR 1021.410(b)(2)) or would be connected or related to other actions with potentially significant impacts (10 CFR 1021.410(b)(3)).

The preamble to the DOE NEPA regulations states that Appendix A includes those classes of actions with impacts so remote or conjectural as to preclude meaningful consideration and some classes of actions to which NEPA probably does not apply. Therefore, we do not believe that recordkeeping for Appendix A determinations is warranted, although an office may elect to do so. Please note that EH-25 would have no need to receive copies of any such records.

If you have any questions about Appendix A categorical exclusion procedures, please direct them to Stan Lichtman, Director, Waste Activities Division, (202) 586-4610.

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cc: William Dennison, GC-11

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